

REMARKS

Reconsideration and allowance of the above referenced application is respectfully requested.

Preliminarily, Applicants acknowledge the Examiner's notice that the U.S. Patent and Trademark Office cannot locate the previously submitted non-U.S. Patent references cited in the Information Disclosure Statement. Applicants will resubmit copies of those references under separate cover so as to have them properly considered by the Examiner and made of record in the present application.

Claims 1-16 are currently pending in the present application. Claims 1-3, 6, 7, 10, 13, and 16 are withdrawn from further consideration.

Applicants wish to thank the Examiner for the decision to withdraw the election of species requirement and to expand the search to include non-elected species upon the determination of allowability of the elected species.

Claim Objections

Claims 8 and 14 are objected to because of informalities identified by the Examiner. Claim 8 is amended to incorporate proper Markush group terminology replacing "or" with -- and --. As suggested by the Examiner, the phrase -- to the mammal -- has been added to Claim 14 so as to more clearly define the invention.

Claim Rejections - 35 U.S.C. § 112

Claim 15 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner indicates that the limitation “the composition” in line 1 lacks antecedent basis. Claim 15 depends from Claim 14, which includes the limitation of a “compound.” Claim 15 has been amended replacing the term “composition” with the term -- compound --.

Claim 14-15 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner has indicated an objection to the inclusion of terminology which would define the invention as a preventative of HIV infection. As discussed in teleconference with the Examiner, the two occurrences of the phrase “prophylactically or” have been deleted from Claim 14 by the above amendment. Having deleted the phrase that would indicate a “prevention” of HIV, Applicants submit that the rejection is overcome. Withdrawal of the rejection is therefore respectfully requested.

Double Patenting

Claims 4-5, 8, 9, 11-12, and 14-15 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-4 of U.S. Patent 6,271,198. In order to overcome this rejection, Applicants have filed herewith a Terminal Disclaimer in accordance with 37 CFR 1.321(c). Applicants therefore respectfully request withdrawal of the rejection.

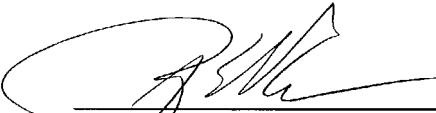
CONCLUSION

In light of the above, Applicants believe that this application is now in condition for allowance and therefore requests favorable consideration.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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